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REMARKS

Claims 1-22 were filed in this application. Claims 1 and 14 have been previously amended. Newly submitted Claims 23 and 24 are presented with this paper. No claims have been canceled therefore claims 1-24 are pending in this application.

Support for the newly presented claims can be found on page 6 (lines 11-13 and 20-21), page 7 (lines 3-9), and in Figures 2, 3 and 6. Therefore no new matter has been added with the new claims.

Rejections

Claims 1-4, 9, 14-17, and 20- 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pietsch (DE 24 23 790) ("Pietsch") in view of Leutwyler et al. (U.S. Patent No. 5,911,712) ("Leutwyler").

For the reason set forth below, the rejection is traversed.

The present invention relates to a tampon formed of a rolled up web of absorbent material and having a removal cord having synthetic fibers looped around the web (Page 3, lines 10-12). The tampon is compressed in a manner that essentially pleats the web. (Figure 6.) The removal cord has an extensibility of greater than about 25 percent. (Page 5, lines 1-3.) This extensibility is sufficient to prevent damage to the cord during manufacture due to oversteering of the cord during compression. (Page 7, lines 3-5.)

Pietsch purports to disclose a tampon having a retrieval string folded together into a durable, small-volume lap. (Page 6, lines 6-8 of the translation supplied with Paper 6) The retrieval string partially consists of a material which does not shrink during heat treatment and partially of an organic plastic material which does shrink during the heat treatment. (Page 6, lines 12-15 of the translation.) The retrieval string consists of cotton, synthetic wool, or a similar material, and has been sewed together with, at least one string of shrinkable organic plastic material over its entire length. (Page 7, lines 16-18 of the translation.) The shrinkage experienced by these kinds of strings during heat treatment pulls the strings together into a relatively small-volume clew. (Page 7, lines 4-9 of the translation.) The tampon is subjected to the shrinkage treatment, at least, in the area of the retrieval string and consists of the string being heated to the shrinkage temperature of the shrinkable material

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which is used. (Page 10, lines 3-7 of the translation.) The tampon has considerable heat insulating capabilities so the retrieval string is sufficiently shielded from the supplied heat in the area of the absorbent body and is kept from shrinking there. (Page 10, lines 10-13 of the translation.) The outer retrieval string is shrunk to about 20% of its original length during manufacture to prevent its interference during further processing. (Page 8, lines 19-22 of the translation.) Before the tampon is used, the string can be pulled to stretch it back to the original length. (Page 9, lines 9-13 of the translation.)

Leutwyler discloses digital tampon formed by winding up a length of continuous fiber web to form a blank. (Col. 5, lines 11-16.) Narrow strip portions of the circumferential surface of the blank are pressed radially to produce a perform having a center core and longitudinal ribs separated by outwardly open longitudinal grooves. (Col. 5, lines 16-26.) The preform is pressed into the final shape of a tampon having a rounded introduction end and a finger recess for the recovery end. (Col. 13, lines 35-38.)

In making the rejection, the Examiner points out that Col. 4, lines 5-19 discloses that the formation of the ribs 64 and longitudinal grooves 180 helps to prevent *leakage*. Paper 6 at 3. The Examiner then states that it would have been obvious to one of ordinary skill in the art at the time of the invention to construct the tampon of Pietsch with the rolled up, grooved configuration of Leutwyler, in order to reduce *leakage*. Paper 6 at 3.

While Leutwyler addresses tampon leakage among other matters, the purpose of the present invention relates to reducing removal cord damage during compression of the tampon. The Pietsch tampon has considerable heat insulating capabilities. The only portion of the recovery string that is heat-treated is that on the outside of the tampon. This heat treatment appears to occur after compression of the tampon. Thus, the combination of Pietsch with Leutwyler does not result in present invention, because it does not reduce the risk of removal cord damage during tampon compression. The tampon of Leutwyler also would insulate the recovery removal cord. Thus, it would not provide the benefit of the present invention.

In the present invention, the removal cord has an extensibility of greater than about 25 percent to prevent damage to the cord during manufacture. It possesses this extensibility throughout manufacture; it does not require post-formation heat treatment as in Pietsch. Leutwyler does not disclose that the cord have extensibility. Therefore the combination of Pietsch and Leutwyler does not result in the presently claimed invention.

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Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 5-8, and 18-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pietsch in view of Leutwyler as applied above and further in view of Brown et al. (U.S. Patent No. 6,142,984) ("Brown").

For the reasons set forth below, the rejection is traversed.

The disclosure of Pietsch and Leutwyler set forth above are incorporated herein by reference.

Brown purports to disclose a textured tampon string. (Col. 2, line 25.) The textured string has more than one strand of yarn and may be crocheted, cabled or braided. (Col. 2, lines 34-36.) The textured string has more pronounced variations in diameter (and circumference) along its axial length than the simple twisted tampon string. (Col. 2, lines 50-53.) This variation provides an enhanced grippability of the string. (Col. 2, lines 57-60.) It is preferred that the string be constructed with a sufficiently tight crochet. (Col. 2, lines 66-67.) Loose stitches have greater elasticity that will facilitate elongation or distortion of the string and cause difficulty for the user during tampon removal. (Col. 3, lines 7-10.) The textured tampon string is preferably attached directly to the tampon or pledget, or the coverstock of the pledget by methods known in the art. (Col. 3, lines 56-58.)

In making the rejection of Claims 5, 6, 11, 12, 18, and 19, the Examiner acknowledged that Pietsch fails to disclose the design of the texture. Paper 6 at 3.

To fill the acknowledged gap, the Examiner relied on Brown to disclose a removal cord having a texture, making the removal cord easier to grip. The Examiner further asserts that the removal cord of Brown may be textured by crocheting, which results in a helical texture or by braiding, which results in a zigzag texture. Paper 6 at 3.

The Examiner then asserts that it "would have been obvious to one having ordinary skill in the art at the time of the invention to construct the removal cord of Pietsch with the texture of Brown to allow for easier use of the tampon. Paper 6 at 3.

In rejecting claims 7 and 8, the Examiner acknowledged that Pietsch fails to disclose the number of cables and fibers in the removal cord. Paper 6 at 4.

To fill the acknowledged gap, the Examiner relied upon Brown to disclose a tampon comprising a removal cord constructed of two or more cables, the cables having 50 fibers, which results in a removal cord having a desirable denier, having substantial strength to withstand pulling during removal of the invention. Paper 6 at 4.

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The Examiner then concluded that it would be obvious to one having ordinary skill in the art at the time of the invention to construct the removal cord of Pietsch with the number of cables and fibers taught by Brown, in order to have a substantially strong removal cord. Paper 6 at 4.

As outlined above, it is respectfully submitted that the suggested combination of Pietsch and Leutwyler does not result in the invention of claim 1 and 14. The addition of Brown does not overcome this shortcoming. Therefore this rejection is not proper and should be withdrawn.

Additionally, Applicant had added two dependent claims, claims 23 and 24. Both claims are directed to further differentiating the present invention from Pietsch. In particular, claim 23 further limits the removal cord as having two portions and that the interior portion of the removal cord located within the rolled up web has an extensibility of greater than about 25 percent to prevent damage to the interior portion of the cord during manufacture. Claim 24 also further limits the removal cord as having two portions and that the interior portion of the removal cord located within the rolled up web has a two-phase, tensile stress-strain curve having an inflection point between a first and a second phase to prevent damage to the interior portion of the cord during manufacture. It is the exterior portion of the removal string of Pietsch that is heat treated such that a clew is formed on the outside portion of the rear end of the preformed or finished tampon. Once the external clew is formed, the removal string does not interfere during further processing or when the tampon is packaged. This is different than the present invention of claims 23 and 24 define that it is important that the interior portion, not the exterior portion, of the removal cord be extensible in order to prevent damage during manufacture.

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Applicant believes that the foregoing presents a full and complete response to the outstanding Office Action. Applicant looks forward to an early notice of allowance for this application.

Respectfully submitted,

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